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List of issues in relation to the initial report of the Lao People's Democratic Republic

Addendum

Replies of the Lao People's Democratic Republic to the list of issues*

[Date received: 4 June 2018]

* The present document is being issued without formal editing.

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Constitutional and legal framework within which the Covenant is implemented (art. 2)

Paragraph 1: Please provide information on the practical application of the provisions of the Covenant in the domestic legal system, including examples of cases in which the provisions of the Covenant have been referred to by national courts, and report on specific training on the Covenant for government officials, National Assembly members, prosecutors, judges and lawyers.

1. The provisions of the International Covenant on Civil and Political Rights are reflected in the Constitution and transposed into domestic laws of the Lao PDR, including the Penal law, Law on Media, Law on the Election of the National Assembly, Law on Civil Servant, Law on the Protection of the Rights and Interests of Children, among others. In case provisions of national legislation are inconsistent with provisions of treaties to which the Lao PDR is a party, provisions of the treaties prevail. Up to present, although the courts have not directly referred to the provisions of the Covenant, the courts have applied the provisions of domestic laws which implement the covenant provisions, and ensured that court verdicts are in compliance with the ICCPR.

2. The Ministry of Foreign Affairs, with the support of the Development Partners through different initiatives over the past years, such as the International Law Project (ILP), the Support Project for Implementation of the Legal Sector Master Plan (SPLSMP), projects under the Lao PDR-EU Human Rights Dialogue and Lao PDR-Australia Human Rights Dialogue, has organized many workshops, seminars, lectures, training courses on international law and human rights, including ICCPR for government officials, members of the National Assembly and Provincial People's Assemblies, the judiciary, members of the Lao Bar Association, law school teachers and students in order to promote awareness and understanding of international and human rights obligations of the Lao PDR, including obligations under ICCPR. Furthermore, the Ministry of Foreign Affairs has published a compilation of Human Rights Conventions to which the Lao PDR is a party, including ICCPR. Officials of the Ministry of Foreign Affairs also gave lectures to judicial institutions, and Lao Bar Association on the human rights conventions, including ICCPR.

Paragraph 2: Please indicate whether consideration has been given to: (a) withdrawing the reservation to article 22 of the Covenant that makes the application of that provision subject to national laws; (b) reviewing the interpretative declarations concerning articles 1 and 18 of the Covenant with a view to withdrawing them.

3. The purpose of the declaration made by the Lao PDR regarding Article 1 is to clarify that the term "people" shall be referred to the multi-ethnic Lao people as a whole consisting of 49 ethnic groups which is indivisible in accordance with the Constitution and the implementation of the right to self-determination shall not affect the political unity and territorial integrity of the Lao PDR.

4. The declaration made to Article 18 ensures that the implementation of this right to freedom of thought, conscience and religion shall be in conformity with the Constitution, under Article 43, Lao people have the rights to freedom to believe or not to believe in religion, while Article 9 prohibits all acts of religious discrimination and division of the people. Any act of coercion or offering benefits, including through unlawful economic means to an individual for him/her to believe in or renounce religion or to convert his or her religion is violation of the Constitution.

5. The reservation to Article 22 aims at assuring that the implementation of the right to freedom of expression is in accordance with the Constitution (Article 44), the Decree on Association, No. 115 and the amended Decree No. 238.

6. After study and analysis of the declarations and reservation made at the time of ratification, the Lao PDR still needs them and is not ready to withdraw for the time being.

Paragraph 3: Please clarify whether the State party has taken any measures towards establishing a national human rights institution in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

7. Although a national human rights institution based on the Paris Principles is not yet established in the Lao PDR, the Government has established commissions as the national mechanisms that have similar roles of the national human rights institution on promotion and protection of human rights, including coordination the implementation of the obligations under the human rights conventions to which the Lao PDR is a party to, in accordance with the mandate of the respective commissions, as well as cooperation with international and regional human rights mechanisms. However, the Lao government has conducted study and research on the Paris Principles-based national human rights institution. The National Steering Committee on Human Rights organized a seminar to exchange lessons on international, regional and national human rights mechanisms with the support of the SPLSMP. The seminar was attended by some 100 participants with resource persons from the National Human Rights Commissions of several countries. In addition, in 2015 a Lao delegation composed of representatives from the relevant ministries and organizations went on a study visit to Australia and met with the Australian Human Rights Commission and exchanged perspective and experience with the latter. At present, the Lao Government is focusing on improving and strengthening the existing national mechanisms on the promotion and protection of human rights, such as merging the National Commission on the Advancement of Women and the National Commission for Mothers and Child into the National Commission on the Advancement of Women and Mothers-Children; improving the roles and mandate of the National Steering Committee on Human Rights and the National Committee for Persons with Disabilities and the Elderly Persons. Besides, the National Assembly has established the Justice Committee to deal with individual complaints.

8. The judiciary is also strengthen institutional mechanisms to handle cases related to the rights of children, women, family relationships such as the establishment of the Juvenile Chamber and Family Chamber. For the time being the Lao PDR is not ready to establish an independent human rights institution, but in lieu of it the Lao government will strengthen the existing national mechanisms.

Non-discrimination and gender equality (arts. 2, 3, and 26)

Paragraph 4: Please indicate whether the State party has taken any steps to adopt comprehensive anti-discrimination legislation that, inter alia, addresses discrimination in the private sphere; prohibits all direct and indirect discrimination and multiple forms of discrimination; contains a comprehensive list of prohibited grounds for discrimination, including race, colour, sex, political or other opinion, property, birth, sexual orientation, gender identity and other status; and provides for effective remedies in judicial and administrative proceedings.

9. The Lao PDR does not yet have a comprehensive non-discrimination legislation. However, prohibited grounds for discrimination based on race, color, sex, political and other opinion are enshrined in the Constitution and laws including the Constitution, Penal Law, Law on Criminal Procedure, Law on Development and Protection of Women, Law on Preventing and Combating Violence Against Women and Children, Law on Women Union, Law on the Protection of the Rights and Interests of Children, among others.

10. The Lao PDR is in the process of drafting a Law on Gender Equality which would define principles, regulations, measures to achieve gender equality in all sectors, including political, administration, economy, education and sport, public health, labour and social welfare, science and technology, information, family affairs, national security, national defense, equality in filing complaints, self-reliance, elimination of discrimination, division and restriction or denial of gender equality in all areas, creating opportunities for both genders to enjoy their rights in all areas.

11. Gender equality and non-discrimination in the private sphere are defined in the Labour Law 2013. Article 96 defines the gender equality in workplace: female employees have the right to employment and professions in every sector not contrary to the law, including production, business and management, and may participate in training, labor skills improvement and providing expertise. Female employees shall receive a salary or wages equal to that of male employees.

Paragraph 5: Please clarify whether hate speech is prohibited under the law and whether measures have been taken: (a) to outlaw organizations and propaganda activities, organized or otherwise, that promote and incite racial discrimination and hate speech; and (b) to recognize racist motives as a general aggravating circumstance for all offences and crimes.

12. The prohibition and punishment of hate speech is defined in the Penal Law, of which Article 94 stipulates that any person defames and libels in causing severe damage to the dignity of other persons through oral, written or other means shall be punished and fined according to the law; Article 95 stipulates that any person slanders the other persons through oral or other means resulting severe damage to the other persons' dignity shall be punished by three months to one year of imprisonment or by re-education without deprivation of liberty and shall be fined according to the law, and Article 96 of the same law also defines that any person using indecent acts or words towards the corpse, reputation, burial ground or grave of a deceased person thereby effecting the public morale shall be punished. The Law on Media, Article 68, para. 5, prohibits any person, legal person and organization to use violence, force, defamation, insult, indecent words and other kinds of act.

13. The prohibition of incitement of racial discrimination leading to violence is defined in the Penal Law, Article 66 stipulates that any person who makes a division or causing resentment between the ethnic groups, and social strata with the intention of undermining national solidarity shall be punished by one year to five years of imprisonment and shall be fined; Article 176 provides that any person divides, separates from, or prevents or restricts other persons from participating activity or discrimination against other persons based on ethnic reasons shall be punished by imprisonment from one year to three years and shall be fined.

Paragraph 6: Please provide information on the impact of policies, strategic plans and work plans referred to in the State party's report (CCPR/C/LAO/1, para. 20) on achieving gender equality in practice, including on eradicating stereotypes regarding the role of women in the family and in society, and report on further measures taken to enhance the representation of women in public and political life, including in legislative and executive bodies, especially in decision-making positions.

14. Women play an important role in the nation's political life. In 2015, there were women occupied 19.6% of the total 62 ministers and equivalents, 12.3% in the total number of 121 deputy ministers and equivalents, 16.2% of the total 437 directors general, 19.6% of the total 946 deputy directors general, 5% of the total 50 deputy provincial governors, 6% of the total 48 district chiefs positions.

15. In 2015, there were a total of 177,626 public servants, of whom 79,662 were women which account for 44.8%. Women are proportionately represented in justice system. Female officers comprise 38% of 641 officers in the Ministry of Justice. Female officers in district justice divisions accounts for 26.9%, 27% at the district level and 39% at the provincial level. The Office of the Supreme People's Prosecutor has a total of 1,617 officers, of whom 33.%7 are female.

16. The Government has continued to put in place policy and work plans to ensure Lao women, to participate in the political life and decision making positions. The National Commission on the Advancement of Women and Mothers-Children has created the Five-Year National Plan of Action for Gender Equality 2016–2020 which includes a target for each sector to have women in leadership and decision making positions at least 15–20%.

17. The Lao PDR attaches importance to the promotion of women's representation in the National Assembly. 41 women were elected as members of the National Assembly 8th Legislature accounting for about 28% of the total 149 Assembly members, an increase of 2.5% compared to the figure of the 7th Legislature, ranking 2nd in ASEAN to the Philippines' top spot and ranking 58th among all 193 Parliaments in the world. In the People's Provincial Assemblies across the nation, there are a total of 360 seats, of which 116 of them are occupied by women, amounting to 32% of the total number of seats. Many of female members of the National Assembly hold decision making positions, such as the current president of the National Assembly, one vice-president of the National Assembly, two Committee Chairs, five Committee Vice-Chairs and the Secretary General of the National Assembly are all women.

18. To achieve the said target, the Women's Caucus has been established as a legislative mechanism in the National Assembly with the duty to promote gender equality, women's advancement, health promotion for mothers and children.

19. In order to further promote gender equality, the Prime Minister has issued a Decree No. 309/PM, on 14 November 2013 on setting the criteria for establishing a Development Family relating to implementing the equal rights of women and men and combating violence against women.

States of emergency and counter-terrorism measures (arts. 2, 4, 7, 9 and 14)

Paragraph 7: Please provide further information on the compliance of the existing regulations governing states of emergency with article 4 of the Covenant, clarifying in particular whether derogations from non-derogable provisions of the Covenant during states of emergency are explicitly prohibited. In reference to paragraphs 34–35 of the State party's report (CCPR/C/LAO/1), please: (a) report on the counter-terrorism legal framework, including the definition of terrorism and terrorist activities and the legal safeguards for persons suspected of, or charged with a terrorist or related crime; (b) clarify whether the State party plans to adopt a specific law on countering terrorism.

20. In accordance with the Law on National Defence, Part III on public emergency, Article 23 defines that public emergency shall be announced if there is a threat to national security, political stability, social order, and the safety of the people such riots, unrest against the people's democratic regime. The President of the Lao PDR has the authority to announce public emergency. The announcement of public emergency shall be limited to the connected areas, its start and end date shall be also announced. Individuals, legal persons and national and international organizations within the areas of public emergency shall strictly comply therewith. The President of the Lao PDR shall call off the public emergency once the situation has returned to normal.

21. The law of the Lao PDR does not define the derogation from or restriction of human rights in case of public emergency. Therefore, it is important and necessary to comply with the conditions for declaring public emergency and the related obligations under Article 4 of the Covenant, including the prohibition of derogation from the non-derogable human rights and fundamental freedom.

22. The Lao PDR has not adopted the specific law on counter-terrorism. However, the counter-terrorism activities have been implemented through the Law on Money Laundering and Combating the Financing of Terrorism. Article 7 defines the definition of terrorism in following: acts that affect the national security; acts that affect lives, health, freedom, or deemed as a physical and psychological coercion; seizure, damaging properties, invasion, attack, obstruction, causing damage and chaos to the computer, communication and internet system or digital instruments of state organizations, legal persons, organizations and persons; processing, producing, using, packing, transporting, consolidating, and obtaining of explosive, radioactive substance, toxics, inflammable, and trading of weapons equipment, vehicles; disseminating, recruiting, encouraging, coercing, threatening, hiring or creating conditions for the acts of terrorism; organizing, financing, participating and attempting to

participate in the organization, teaching and training of selected individuals to commit acts of terrorism; acknowledging an offence with an objective evidence to prove that it is an act of terrorism; other offences defined as acts of terrorism in international law or the treaties that Lao PDR is a party to.

23. The protection of the rights of the suspects or the person charged with terrorist offence or related offence is provided in the law of the Lao PDR particularly the Law on Criminal Procedure.

Violence against women (arts. 2, 3, 6, 7 and 26)

Paragraph 8: Please report on further measures taken to combat violence against women, including domestic violence, particularly regarding: (a) encouraging reporting of cases of domestic violence and raising awareness of women about their rights and existing avenues for seeking assistance and protection; (b) training of relevant officials on legal provisions, detection and proper handling of such cases; (c) prompt and effective investigation of cases of violence against women, appropriate punishment of perpetrators and adequate remedies to victims (please provide relevant statistics on the number of complaints, investigations, prosecutions and convictions, and information on sentences imposed and compensation granted to victims). Please also provide information on the status of the amendments to the Criminal Code aimed at criminalizing marital rape (CCPR/C/LAO/1, para. 32).

24. The Lao PDR attaches importance to preventing and combating domestic violence through adopting laws and measures, especially, the Law on Combating and Preventing Violence Against Women and Children.

25. The Lao PDR has adopted the Vision for Development of Lao Women 2030, Strategic Development Plan for Lao Women 2025 and the 5 year Lao Women's Development Plan (2016–2020) which the Lao Women's Union has further divided into VIII Action Plans covering 34 Projects, out of which Action Plan V covering 6 Projects relating to the protection of rights and interests of women and children as follows: 1) Project on Dissemination of the Constitution, Law and Treaties relating to the development and protection of rights and interests of women and children; 2) Project on Improving and Expanding the Counseling and Protection Network for Women and Children; 3) Project on Protection, Prevention and Combating Violence Against Women and Children; 4) Project on Protection for Women and Children who are victims of violence and trafficking in persons; 5) Project on monitoring and evaluating the implementation of the policy, laws, legislations concerning the rights and interests of women and children and 6) Project to amend, draft laws and legislations relating to the rights and interests of women and children.

26. The National Commission for the Advancement of Women and Mothers-Children (NCAWMC), has established its organizational network from central to local levels, disseminated treaties and laws relating to the rights and interests of women, including CEDAW, Law on Combating and Preventing Violence against Women and Children. Article 57 of this law stipulates that claims or complaints concerning violence against women and children can be made in verbal or in writing to the investigation police authorities by the victims, representatives or the organization the victims affiliated with, parents or guardians of child victims, individuals, legal persons or organizations that saw or knew of the incident of violence, medical personnel, social workers, teachers, care-takers, police officers and other officials. NCAWMC has also disseminated CEDAW and Law on Combating and Preventing Violence against Women and Children among police officers, military officers, members of the National Assembly, judges, prosecutors, officials of the justice departments of various provinces, Vientiane Capital.

27. The Lao Government attaches importance to the promotion and protection of human rights of the Lao multi-ethnic people, especially the women living in rural and remote areas, particularly their better understanding of their legal rights and obligations, including access to justice. The People's Supreme Court has published a book entitled "How to Access to Justice" in a total of 3,000 copies to distribute to the people free of charge.

28. Forcible sexual intercourse with wife or with a woman is defined as a criminal offence in the draft Penal Code 2017. Particularly, Article 252 of the draft Penal Code states that any person who has sexual intercourse with his wife or a woman by using force, coercion, threat against her will or when his wife or a woman is not ready to have sexual intercourse will be punished by imprisonment of three months to one year or re-educated without deprivation of liberty and fined. Where such an offence causing serious injury, the offender shall be punished from one to five years and shall be fined.

Right to life (arts. 6, 7, 9, and 14)

Paragraph 9: Please indicate whether measures are being taken towards the abolition of the death penalty. Please clarify whether: (a) an official moratorium on executions is in place; (b) the imposition of the death penalty is automatic and mandatory for certain categories of crimes. Pending the abolition of the death penalty, please report on progress made in undertaking a comprehensive review of relevant legislation to ensure that the death penalty may be imposed only for the most serious crimes as prescribed in article 6 (2) of the Covenant, i.e. only to crimes of extreme gravity involving intentional killing. Please indicate the number of persons currently under sentence of death.

29. In the process of review of the penal code and debate on the draft Penal Code, the Articles imposing the punishment of death penalty in Penal Law were brought for discussion with a view to reduce those articles. In the National Assembly, the majority of National Assembly members voted for keeping death penalty to serve as deterrent for the most serious crimes, reducing Articles with death penalty from 18 to 12, abolishing the mandatory imposition of death penalty. Despite the fact that the law of the Lao PDR retains death penalty, in practice the country has been practicing moratorium on its use for more than 30 years. The Penal Law 2005 as well as the draft Penal Code 2017 prohibit the imposition of the death sentence on offenders under eighteen years old and pregnant women. Up to present, about 315 persons received death sentence for the most serious crimes they have committed, particularly drug offence. Out of this number, some of them have received reduction of sentence to life imprisonment.

Paragraph 10: Please clarify whether relevant criminal legislation defines and criminalizes all acts of enforced disappearance in accordance with international human rights standards and provides for penalties commensurate with the seriousness of the offence. Please report on measures taken to conduct prompt, thorough, and impartial investigation into all cases of alleged enforced disappearances and to bring those responsible to justice, including on the progress achieved in investigating the enforced disappearance of human rights defender Sombath Somphone on 15 December 2012 and of other 12 activists who have allegedly been subjected to enforced disappearance. Please also provide information on the fate and whereabouts of Kha Yang, a Lao ethnic Hmong, arrested after his second forced return from Thailand in 2011, and of Wuthipong Kachathamakul (also known as Ko Tee), an exiled Thai activist that was abducted by unknown armed men in Vientiane on 29 July 2017.

30. The Lao PDR was among the first countries to sign the Convention on Protection of All Persons from Enforced Disappearance in 2008. The country is in the process of studying the Convention with a view to consider its ratification in the future. Since the country has not yet ratified the convention, the prevailing views in the country is that it is not yet the time to incorporate the definition of enforced disappearance in the domestic law of the Lao PDR. However, the Penal law 2005 as well as the draft Penal Code contains provisions criminalizing offences similar to enforced disappearance (for instance, Article 100 of the Penal law 2005 on offence of abduction).

31. The missing of Sombath Somphone is an unexpected incident for the Lao government as it happened after the Lao PDR successfully hosted the 9th ASEM in Vientiane in November 2012.

32. His missing is of concern to the Lao Government like the missing of any Lao citizen. Immediately after the missing happened the Lao Government established an investigation committee within the Ministry of Public Security to conduct investigation into the missing incident. From day one of its work the committee sent notice to all police headquarters across the county to find any clue which may be related to the incident. Furthermore, the investigation committee sent out notice to Interpol and ASEANAPOL for them to have looks for any information which may be related to the case. The Investigation Committee has always been open to views or suggestions to help the investigation and Committee is ready to receive suggestions from any interested parties with regard to the investigation which is still ongoing to the present time. It is the duty of the Lao government to find out the truth and bring perpetrators to justice in accordance with the law of the Lao PDR which has signed the Convention on Protection of All Persons from Enforced Disappearence.

33. The Lao Government would like to reaffirm that the investigation committee is still seriously conducting the investigation. The investigation committee in the past made briefing to the Medias and all interested parties on the progress of the investigation and most recently the chief of the investigation committee met with foreign ambassadors and his wife whom the committee informed of the investigation. In addition, the Lao PDR accepted a number of recommendations under the UPR which are relating to the missing case.

34. In regards to the mentioned individual named Kayang, the Lao Government would like to reiterate the fact that the individual may have been one of the Hmong returning from Thailand in 2011 under the bilateral agreement between Lao PDR and Thailand. After their returned to the Lao PDR the Lao authorities accommodated them to live in Phonekham Village, Bolikhamxay Province and Phabeuak in Vientiane Province. Now, they live their normal life and many of them returned to their home villages or moved to live with their relatives or resettled in difference parts of the country or even left the country to live abroad. Upon receipt of question relating to his whereabouts the Lao authorities tried to identify his details but could not find any person named Kayang.

35. In regards to the alleged individual named Voutthipong or Koti, there was a rumor that he was present in the territory of the Lao PDR and went missing on 29 July 2017. The Lao authorities have taken all steps to find out the truth, but found no information or evidence relating to his presence in the Lao PDR or his missing.

Paragraph 11: Please report on regulations governing termination of pregnancy and clarify whether voluntary termination of pregnancy is criminalized and, if so, under which circumstances and what are the penalties incurred. Please also provide information on: (a) efforts to further reduce maternal mortality, including on measures to ensure effective access to CCPR/C/LAO/Q/1 3 adequate prenatal and obstetric care; (b) measures to address the high rate of teenage pregnancy and to ensure country-wide access to adequate sexual and reproductive health education and services.

36. The law of the Lao PDR does not permit to perform an unlawful abortion. Article 92 of the Penal Law 2005 states that any person performed an unlawful abortion on another person shall be punished by one year to three years of imprisonment. Where any person performs an unlawful abortion as a regular profession results in the degradation of the mother's health or causes to death shall be punished by three months to one year of imprisonment. Any woman who performs an abortion on her own or recruits another person to perform unlawful abortion shall be punished by three months to one year of imprisonment, and shall be fined.

37. The Government of the Lao PDR has made its efforts to ensure providing pre-natal and obstetric/post-natal care with a view to reducing maternal mortality. The Strategy and Planning Framework for the Integrated Package of Maternal, Neonatal and Child Health (MNCH) (2009–2015) outlines strategies and unified framework/plans to guide stakeholders in designing, implementing and evaluating obstetric/post-natal care, child healthcare, and immunization and nutrition programs. In 2014, the Government put in place the policy on free maternal, neonatal and child health care that pregnant women and children under five years of age receive free of charge delivery and health care at all public

health centers and hospitals. The Government has set up Health Equity Fund schemes aiming to help the poorest families who are unable to afford premium health insurance and providing alternative options for ensuring more resources for healthcare. Furthermore, the Government has adopted the National Plan of Action for Mother and Child-NPAMC (2016–2020) which aims to increase the health care insurance to 80%.

38. The Government is strengthening the health system by designing the Health Sector Reform Strategy (2013–2025), which is one of the priorities in reform strategies to focus on strengthening human resource capacity for health sector staff, particularly, skilled health workers in rural and remote areas. In addition, the Government has adopted the National Strategy for Human Resources for Health (2010–2020).

39. There have been significant declines in maternal and child mortality. In 2015, infant mortality decreased from 70 per 1,000 live births in 2005 to 57 per 1,000, toddlers under-five mortality decreased from 98 per 1,000 live births in 2005 to 86 per 1,000. There have also been significant declines in maternal mortality with the 2015 PHC reporting a drop from 220 maternal deaths per 100,000 live births in 2014 to 206 maternal deaths per 100,000 in 2015. The causes of maternal death are hemorrhage (29%), obstructed labor, pregnancy-induced hypertension (15%), infections (17%) and embolism/blood clot (12%). The Government improves the implementation of the strategies and programmes to reduce the maternal and child mortality rate by establishing a National Nutrition Committee to provide overall leadership and guidance for the coordination of the National Nutrition Strategy and Plan of Action (2010–2015), to update the National Nutrition Strategy to 2025 and a Plan of Action (2016–2020) which aims to reduce malnutrition rates amongst women and children, which is being implemented in conjunction with the NSEDP (2016–2020). The amended strategy focuses, among others, on achieving sufficient food consumption and addresses improvements to the safety and diversity of foods consumed.

Prohibition of torture and other cruel, inhuman or degrading treatment or punishment and treatment of persons deprived of their liberty (arts. 7, 9 and 10)

Paragraph 12: Please indicate whether criminal legislation has been amended with a view to defining and criminalizing the offence of torture in line with the Covenant and other international standards. Please respond to reports of torture and ill-treatment of inmates in prisons, including locking their legs in wooden stocks for long periods, beatings and burning their body parts with cigarettes, and in Somsanga and other drug detention centres. Please provide (a) information on measures taken to ensure that all allegations of torture and ill-treatment are promptly and thoroughly investigated by an independent mechanism, that perpetrators are prosecuted and punished accordingly, and that victims are provided with full reparation; (b) relevant statistics on the number of reported cases of torture and ill-treatment, the number of investigations, prosecutions of prison officials and convictions secured.

40. In accordance with the law Lao PDR, punishment does not aim to inflict physical suffering or to outrage human dignity. Detaining and re-educating measures aim to re-educate the punished individuals to understand policy of the government, laws and regulations, to feel regrets for their behavior that caused damages to the State and society and bear a pure spirit towards avoiding recidivism after being released to the society. The Detention and Correction Centers perform their duties as provided by the laws, particularly the Penal Law, Law on Public Security Forces, Decision of the Minister of Public Security on the Organization and Functions of the Department of Detention and Correction and the specific Regulations for the police officers of detention and correction centers, which clearly define the prohibition of acts of torture, measures or other acts inconsistent with the laws against the accused, Article 12 (para. 4 and 5) of the Criminal Procedure Law provides for the prohibition of acts of threatening, beating or torturing of a suspect, the accused or defendant during the case proceedings. Anyone conducting arrest, detaining, building or individual search against someone inconsistent with the laws is subject to prosecution and criminal responsibility. The Office of Supreme People's Prosecutor has the rights to monitor and inspect the detention and correction centers, as well as the performance of

centers' officers. The allegations of punishment of prisoners including putting prisoners' legs in wooden stocks for a long time, beating and putting a burning cigarette on their bodies, and the allegations of maltreatment in Somsanga and other rehabilitation centres is groundless and fabricated by groups which do not know the reality or have ill-intention towards the Lao Government.

Paragraph 13: Please provide current data on total prison population and official prison capacity, disaggregated by facility. Please report on measures taken to address overcrowding and improve conditions of detention in some prisons, including the inadequate food and medical care provided to prisoners; and the use of prolonged solitary confinement. Please provide data on deaths in custody indicating the cause of death and the investigations conducted and their outcome, including in the case of Khamphouvieng Sisa-at, a student leader who died in Samkhe Prison in September 2001. Please clarify whether: (a) an independent mechanism has been established to regularly monitor and inspect all places of detention; (b) monitoring of conditions of detention by independent organizations is permitted.

41. The Government of the Lao PDR has invested in the improvement of detention and correction centers to ensure that they are adequate for housing prisoners and gradually improve facilities and living conditions for prisoners. The Government also has a plan to build more detention and correction centers across the country to reduce the crowding of prison population.

42. Concerning the death of Khamphouvieng Sisaard, the Detention and Correction Center where he was serving sentence immediately informed the relevant agencies, the Office of Supreme People's Prosecutor, Ministry of Justice, Department of Detention and Correction, Department of Forensic Analyses of the Ministry of Public Security, his relatives to take part in the investigation into the death. The investigation reached a conclusion that Khamphouvieng died from his own serious illness after doctors tried their best to treat him and save his life.

43. The Office of Supreme People's Prosecutor has the right and responsibility to monitor detention and correction centers, according to the Law on Criminal Procedure and the Law of People' Prosecutor. The Lao PDR does not need to establish an independent mechanism for monitoring the detention centre as this duty is vested with and actively performed by the Office of Supreme People's Prosecutor. The Lao PDR has on a number of occasions allowed representatives of Embassies, the International Committee of the Red Cross (ICRC), foreign human rights delegations and Special Rapporteur on Religious Freedom to visit detention centers in Vientiane Capital and some provinces.

44. According to the latest statistics, there are 11,885 prisoners, of whom 1,628 are women; there are 315 prisoners sentenced to death, of whom 34 are women, and 440 sentenced to life imprisonment, of whom 31 are women.

Liberty and security of person and the right to a fair trial (arts. 2, 9 and 14)

Paragraph 14: Please indicate the maximum period of detention provided for by law before a person arrested or detained on a criminal charge is brought before a judge or other officer authorized by law to exercise judicial power. In this respect, please also clarify the powers of the public prosecutor related to authorizing and extending remand in custody, including for juveniles, and their compatibility with article 9 (3) of the Covenant. Please report on non-custodial alternative measures to pretrial detention provided for by law and on their use in practice (please include relevant statistics). Please explain how habeas corpus (the lawfulness of the detention) proceedings before the Office of the Prosecutor General rather than a court satisfy the requirements of article 9 (4) of the Covenant.

45. The longest period of pre-trial detention is one year as provided in Article 111 of the Law on Criminal Procedure, which states that the time specified for pre-trial detention for investigation must not exceed two months for light offences and three months for more

serious offences. If it is deemed as necessary for investigation to be extended, the people's prosecutor may, at the request of the head of the investigation agency or the member of staff of the Office of Supreme People's Prosecutor, for light offences, extend the period for pre-trial detention two months at a time but the total period must not exceed six months and for more serious offences, extend this period for three months at a time but the total period must not exceed one year. A request for an extension to the time of detention must be made fifteen days before the expiry of period specified for pre-trial detention. When the time specified for pre-trial detention expires and if there is no firm evidence to conclude the investigation and send a case to the prosecutor for further proceedings, the head of the investigation agency shall report and request the head of the Office of the People's Prosecutor for issuing an order to release the suspect.

46. The right of the prosecutor to decide on the extension of the time of pre-trial detention is stipulated in Article 43 (6) of the Law on People's Prosecutors which provides for the rights and functions of the office of the people's prosecutor to monitor the compliance with the law by the investigation agency, including the extension/non-extension of the time of pre-trial detention.

Paragraph 15: Please respond to reports of: (a) continued detention of some prisoners upon completion of their sentences for inability to pay court fines or the 'exit tax'; (b) arbitrary arrests and detention, including incommunicado detention and prolonged pretrial detention with no access to counsel, particularly against activists and government opponents, and detention without charges; (c) arbitrary arrest and detention of people who use drugs, beggars, homeless people, street children and persons with mental disabilities.

47. In case of prisoners holding Lao nationality, upon completion of their sentence, but they have yet to pay their civil damages or fines as determined by the court, the detention center authorities will notify the judgment enforcement officers and relatives of the prisoners, to make a record on the non-payment of civil damages or fines. Upon completion of serving the sentence, the prisoners shall be released and handover to their relatives or the organizations that they are affiliated to guarantee for the payment of the fines or civil damages in yearly or monthly installments as agreed upon in the record of the judgment enforcement officers. In the case of prisoners holding foreign nationalities, the detention center authorities shall notify their respective Embassies through diplomatic channels to further notify their relatives and make a guarantee of payment for the civil damages or fines as determined by the court before their release. There are some cases with complications, as their relatives or organizations cannot guarantee for the payment of their civil damages or fines. Therefore, upon completion of their prison sentence and if the respective Embassy cannot guarantee the payment this leads to delays in their release. However, at the moment, the relevant authorities are discussing possible solution to this undesirable issue.

48. Drug users are considered victims and shall be referred to drug rehabilitation centers, where they undergo treatments, including psychological treatment, reeducation, learning about the laws and policies, physical education and sports, arts and literature, vocational training and others. After their rehabilitation is complete, they are returned to their parents, guardians or relatives.

49. In the case of mentally-ill accused or offender, the court shall order the referral of him/her to mental hospital or other specialized treatment institutions.

50. There is no arrest or detention of beggars, homeless people and children on the streets, these are merely false allegations, fabricated by some parties. Over the past years, the Lao government has allowed members of the diplomatic corps in Laos and foreign delegations to visit Somsanga Rehabilitation Center and they witnessed no evidence to support the allegations of ill-treatment made by some parties.

Paragraph 16: Please respond to reports that some prisoners were held in the Phonethanh Prison in Vientiane for years without access to counsel or being tried. Please report on measures taken to address the lack of qualified lawyers, to ensure that all persons deprived of their liberty have, in practice, prompt access to a lawyer from the very outset of their detention, and to provide free legal aid in any case where the interests of justice so require.

51. The holding and remand of the accused and prisoners at the Phonthan temporary detention center are conducted in accordance with the law of the Lao PDR, and pursuant to the Decision No. 1069 issued by the Minister of Public Security and also based on other specific regulations. All those held at the fore mentioned center are undergoing the due process of law and no accused person has ever been refused the right to legal counsel or access to justice, the reality is in stark contrast to what the committee has raised in this question.

52. Despite not having sufficient number of lawyers to meet the demands all over the country, in the case of the accused or the defendant happens to be a juvenile under the age of 18, or is blind, deft, mute or mentally ill or those who stand accused of a crime punishable by death, it is mandatory to have a lawyer or other protectors present with them throughout the legal proceedings. In case that they cannot afford a lawyer, the State shall bear the costs. As per regular cases, it is up to the accused to have and choose a defense lawyer or not to have a lawyer. The Lao Bar Association has a Legal Aid Clinic program to provide free legal counseling to the people, especially those who cannot afford to hire a lawyer such as victims of trafficking in persons, the said program has offices in Vientiane Capital, the northern and southern parts of Laos.

Paragraph 17: Please report on steps taken to encourage referral of legal disputes to the formal justice system and to ensure that village mediation units function in a manner consistent with the Covenant. Please respond to the following concerns and provide information on CCPR/C/LAO/Q/1 4 steps taken to address them: (a) the judiciary is susceptible to influence from the ruling party and corruption in the judiciary remains a problem; (b) most judges have only basic legal training; (c) accused persons have no legal right to be informed promptly and in detail the charges against them and to examine government-held evidence; (d) presumption of innocence is violated in practice; (e) there is no legal right to adequate time and facilities for the preparation of a defence; (f) defence counsel has only a passive role during trial; (g) access to interpretation during legal proceedings may be limited by the defendant's ability to pay court fees; (h) People's Supreme Court decisions judicial decisions are occasionally subject to revision by the Legal Affairs Committee of the National Assembly.

53. Village Mediation Unit is a unique feature of local administration of justice by the people themselves, based on legal provisions and customary rules. Only some minor civil disputes, where the wrongful act does not endanger the society are addressed by the Village Mediation Units. More serious disputes and criminal cases must not be brought to Village Mediation Unit, but instead to the formal justice system.

54. The Court is judicial body which is independent from external influence. The decision or judgment is based on the law. Judges shall be independent and shall comply with the laws only. The hearing is conducted in an open and fair manner and judges adjudicate cases based on principles of fairness, accountability, comprehensivity, transparency, thoroughness, evidence examination in an ethical manner. In taking testimony from the accused person, or from individuals who participate in the proceedings, it is prohibited to use violence, force, threat, torture, beating, or other unlawful measures. The act of corruption by judges is prohibited under the Law on Anti-corruption 2013. Article 25 of the Law on Anti-corruption defines the prohibition of persons who has official position, powers and duty to commit corruption.

55. Judges at the People's Supreme Court and the lower People's courts have all legal education required for their job. Judges have at least a diploma in law, and special legal and public management training before admission to work in courts. They have also gone

through practical experience of being assistant to judges and examination to be eligible for appointment as judges.

56. Accused persons have the right to be informed of the charges against them, the rights to respond to the charge, receive an explanation on their rights and obligations in fighting the case, give testimony, present evidence, propose bail and submit other requests, receive documents relating to the investigations, records of their testimonies, orders relating to the application, modifications and cancellations of orders to suspend investigation, the summary of investigations.

57. Article 15 of the Law on Criminal Procedure defines presumption of innocence that during criminal proceedings, suspects and defendants for whom a final court verdict has yet to be reached shall be presumed innocent.

58. The right to adequate time and facilities for the preparation of a defense defined in the Criminal Procedure Law, Articles 165, 216 and 228.

59. Article 178 of the Law on Criminal Procedure defines that defense lawyers or other forms of representation of the defendant are obligated to participate in case proceedings in court and must send their statement to the court in writing before the opening of court session in one day in advance. In the event that the accused persons or defendants under 18 years old, deaf, blind, dumb, mentally impaired or disturbed person, or the offender is charged with an offence which is punishable by death must be provided with defense lawyer.

60. Article 179 of the same law provides that in the event that the accused person cannot pay interpretation fee, the State must be responsible for payment in order to ensure the interest of justice.

61. The oversight of the National Assembly over the judiciary is based on the Constitution and laws particularly, Article 41 of the Constitution which defines the rights of citizens to lodge complaints and petitions before the National Assembly, Article 56 (7) of the Constitution defines the rights and duties of the National Assembly Standing Committee on the resolution of requests and complaints from citizens; Article 52 of the Law on the Oversight by the National Assembly defines that the National Assembly to make sure that they comply with the Constitution and laws, oversees the activities of the executive organs, the People's Courts and the Offices of the People's Prosecutor.

62. Oversight by the National Assembly is important and objectively necessary for creating conditions to enable the people to participate in, State administration and socio-economic development as well as in the administration of justice through preventing abuse of power and position, corruption and professional negligence. The resolving of complaints by the National Assembly is based on the principles of the Law on Handling Petitions. However, the Constitution as amended in 2015, Article 98, states that all state and party organizations must comply with final court decision.

Freedom of conscience and religious belief (arts. 2, 18, and 26)

Paragraph 18: In reference to paragraphs 119–122 of the State party's report (CCPR/C/LAO/1), please provide further information on the regulation of religious practice and activities under the Decree No.315 of 16 August 2016 on Management and Protection Religious Activities, including on registration of religious organizations, the conduct of religious activities and publication and importation of religious materials. Please respond to reports of persecution and discrimination targeting Christians, including arbitrary arrests, attempts, including by family, to force them abandon their faith under threat of eviction from homes, and surveillance and intimidation of individuals suspected of proselytising. Please also indicate whether measures have been taken to adopt legislation recognizing the right to conscientious objection to military service and to introduce an alternative civilian service for conscientious objectors.

63. The Constitution, Article 9 stipulates that the State respects and protects all lawful religious activities of Buddhists and of followers of other religions; encourages Buddhist monks, novices and priests of other religions to take part in development activities that bring benefits to the country and people and prohibits all acts of religious discrimination and division of the people. Article 43 stipulates that Lao citizens have the right to freedom to believe and not to believe in religions in accordance with laws. In 2016, the Prime Minister issued Decree No. 315 on Management and Protection of Religious Activities in Lao PDR replacing Decree No. 92, dated 5 July 2002 and the Minister of Home Affairs adopted the Guidelines No. 16, dated 9 November 2016 on the Implementation of the Decree on Management and Protection of Religious Activities in Lao PDR.

64. The registration process of religious organizations is defined in Decree on Management and Protection of Religious Activities in Lao PDR. Article 8 provides that religious organizations are allowed to operate when officially registered with the relevant governmental organizations; the Ministry of Home Affairs is responsible for approving the registration of the religious organizations operating in provinces and in Vientiane Capital; the Guidelines No. 16, also provides for the criteria for the approval of the religious organization; a dossier on requesting for the establishment of religious organizations; the procedure for presenting documents to establish religious organizations.

65. In the Lao PDR, there has never been persecutes and discrimination against Christians and their families, including arbitrary arrests, forced abandonment of their beliefs by the threat of eviction from villages, surveillance and intimidation of individuals suspected of proselytising. In the past, some of the Christians had moved out of the village because of their misunderstanding and problems with relatives, in particular isolating themselves from other villagers, denying contribution to the village, paying no respect to brothers/sisters and relatives, as well as refusal to participate in the funeral of their parents and other problems that caused dissatisfaction and conflict with other villagers. In some cases, followers of Christianity were arrested, however the arrest had nothing to do with their religion or belief, but I was the arrests for their criminal offenses, particularly drug related offences.

66. In the Lao PDR, joining military service is not mandatory. The exception for serving military service is stipulated in the Law on National Defence Obligations, Article 14 provides for the objection and exception of joining military service, including persons with disabilities, persons with mental illness, persons with terminal diseases, the only child in the family (except voluntary) and monks or priests.

Paragraph 19: Please respond to concerns that vague and broadly worded law provisions unduly restrict freedom of expression and explain how legal provisions and practices such as the following are compatible with the State party's obligations under article 19 of the Covenant: (a) criminalization of defamation, libel and insult (articles 94 and 95 of the Criminal Code) and of "slandering the Lao People's Democratic Republic, or distorting the guidelines of the party and policies of the government, or circulating false rumor causing disorder" detrimental to, or for the purpose of weakening the state (article 65 of the Criminal Code); (b) Decree No. 327 adopted on 16 September 2014 criminalizing online criticism of the government and the Lao People's Revolutionary Party or circulating false information online; (c) State control over the media; the restrictions introduced by the amended Media Law of 2008 and the Decree of November 2015 restricting the press activities of international media and other bodies and requiring inter alia submission of materials for governmental approval before publication; and censorship and sanctions for publication content not meeting governmental approval.

67. The provisions of Article 94 and Article 95 of the Penal Law is to prevent a violation of other people's rights; the provisions of Article 65 of the same Law provides for the punishment for propaganda against the Lao PDR, while Decree No. 327 ensure that any person or organization shall not distort information or circulate false rumors which incites violence, hatred, divides solidarity and disturb social order.

68. The Law on Media stipulates that State promotes and develops the activities of public and private media agencies for their gradually growth in terms of capacity and effectiveness.

69. The Lao PDR promotes and encourages all media agencies towards self-development on their professionalism, self-financing, production, spreading and distribution of media products that are in accordance with the law of the Lao PDR. Organizations, Lao citizen and foreigners are encouraged to contribute to media development by providing means, tools, budget, etc, for the media activities in Laos.

70. The Decree on Management of Foreign Media defines principles, rules and regulations on the management and facilitation of the activities of foreign media in the Lao PDR in order to facilitate that their activities to be carried out in an effective manner and in consistence with laws and regulations of the Lao PDR.

71. The Lao PDR allows foreign media personnel to access to information that is not affect the national security, international cooperation. According to the Law on Media, there is no restriction of importing of all types of media products, but the person who wishes to import media products must seek approval from relevant authorities in compliance with the laws and regulations and not contrary to the restriction as provided by the Law on Media and other laws such as propaganda of violence, propaganda of war, division of national and international solidarity, publication of pornographic contents, slandering, distorting and false information, advertising on human trafficking and other restrictions.

Paragraph 20: Please respond to reports of arbitrary arrest, detention, trial and imprisonment without due process of activists and other individuals for expressing political opposition and critical opinions about State authorities and policies, including through the Internet, such as in the case of Bounthanh Thammavong arrested in 2015 and sentenced to imprisonment for a Facebook post and an article critical of the government that he had published in 1997; and in the case of Somphone Phimmasone, Lodkham Thammavong, and Soukan Chaithad who were arrested in March 2016 for online criticism of the government and for participation in a peaceful demonstration against the Lao PDR government in Bangkok, were detained incommunicado for at least six months, denied legal representation, and sentenced to harsh prison sentences.

72. The law of the Lao PDR prohibits arbitrary arrest, detention, trial and imprisonment without due process of law of persons for expressing their opinions and critical about the state authorities and policy including through the internet. The Constitution, Article 44,

clearly provides for freedoms of individuals to speech, writing and expression. The Panel Law, Article 102 criminalizes the infringements of another person's individual freedoms including freedom of expression, speech and writing. Law on Criminal Procedure, Article 12 also defines the prohibition of violation of the rights of citizens as following:

- Prohibition to detain an individual without order an from the head of police investigation unit or public prosecutor;
- Prohibition to arrest, detention or searching building without an order from the head of Public Prosecutor or People's Court, except in the case of on - the-spot arrest and searching building in case of emergency. In case the arrest, detention conducted in contrary to the law or detention beyond the time provided for in the law, or not consistent to the Court's verdict the People's Prosecutor shall issue an order on immediately release.

73. The arrest, prosecution, trial and punishment of Bounthan Thammavong were in accordance with the law of the Lao PDR, particularly Penal Law 2005. Following his arrest the investigation police conducted thorough investigation, collected all related facts and evidence. He was charged with an offence against the law of the Lao PDR on propaganda against the Lao PDR. He was put at trial by the Vientiane People's Court which found that he has was guilty of offence under Article 65 of the Penal Law, and was sentenced to the four years and nine months imprisonment. During the investigation process and the court trial he was guaranteed all the rights of the accused including the right to defence lawyer but he chose not to have a lawyer. The Lao government would like to reconfirm that the punishment of Bounthan Thammavong has nothing to do with freedom of expression but it is a legal measures imposed on him under to the law of the Lao PDR, consistence with the Lao people's international obligation.

74. The arrest, detention and prosecution of Lodkham Thammavong, Somphone Phimmasone and Sukan Chaithad were carried out in accordance with the law of the Lao PDR and the international obligations under the human rights treaties to which the Lao PDR is party.

75. Upon their arrest they were duly informed of the criminal charges against them. They were alleged to have committed criminal offences under the Penal Law 2005, Article 56 (acts of betrayal towards the nation), Article 65 (propaganda against the Lao People's Democratic Republic) and Article 72 (group gathering for turmoil generating purpose).

76. Following their arrest and detention, the investigation police conducted thoughrough investigation into the alleged offences of each individual in a comprehensive and objective manner based on the investigation techniques under the law of the Lao PDR. As the case of these three individuals was complex and difficult in nature, the investigation, the police requested an extension for further investigation which was granted by the office of People's Prosecutor in accordance with the Law on Criminal Procedure, Article 111.

77. During the investigation, the accused persons admitted that they had committed the alleged criminal acts.

78. On 14 July 2016, after thorough investigation, the police drew a conclusion confirming the charges against them and then submitted the case to the Vientiane Prosecutor's Office. The prosecutor then looked into the case strictly in accordance with rules and procedures of criminal prosecution, while also making sure that the rights of the suspects during the investigation and pre-trial detention were protected under the law.

79. During the investigation and pre-trial detention, the rights of the three suspects were fully quaranteed. They were informed of the charges against them, they were informed of their rights to defence lawyer. During their pre-trial detention they were treated humanely and were visited by their relatives. Regarding their right to lawyer, the three suspects chose to defend the case by themselves without lawyer. The detention, treatment and protection of the rights of the suspects were ensured in accordance with the law of the Lao PDR its international obligations.

80. On 26 August 2016, the prosecutor submitted the cases to the Vientiane People's Court.

81. On 22 March 2017, a trial was held in the presence of the prosecutor, the three accused persons, their relatives and some interested parties. At the beginning of the hearing the accused persons were informed of their rights under the law of the Lao PDR, including the right to lawyer. Again the three accused persons selected not to have lawyer. The hearing was conducted in an open and fair manner. During the hearing the three accused persons pleaded guilty to the criminal charges against them. Their confession of guilt was made voluntary without any coercion or intimidation. At the end of the proceedings, the accused persons were given opportunity to make any statement on the proceedings and the possible ruling by the judges. The three accused persons again admitted their offences and expressed regrets on their behaviours. The court has ruled that the three accused persons violated Articles 56, 65 and 72 of the Penal Law 2005, and sentenced them according to the prescription of the law and the severity of the crimes.

82. The behaviors of the three offences which led to their arrest, detention, prosecution and punishment on the act against the law of the Lao PDR.

Paragraph 21: Please comment on the application of article 72 of the Criminal Code to curtail freedom of assembly, and explain how that provision is compatible with the State party's obligations under the Covenant.

83. The Constitution, Article 44, defines that Lao citizens have the rights to freedoms of speech, writing, assembly, and have the right to set up association which are not contrary to the law. The Panel Law. Article 102 criminalizes violation of other person's individual rights to engaging in lawful assembly, speech, and writing. Article 72 of Penal Law does not prohibit on peaceful assembly, but only prohibits an assembly with the intention of causing social disorder and turmoil causing damages to the society, rights and freedoms of other persons. The provisions of Article 72 of Panel Law is consistent with Article 21 of the ICCPR regarding lawful limitations on the freedom of peaceful assembly.

Freedom of association (art. 22)

Paragraph 22: Please provide information on steps taken to revise regulations and practices that restrict freedom of association, including the lengthy and burdensome registration process for associations. Please respond to reports that associations other than those supported or endorsed by the Lao People's Revolutionary Party are prohibited. Please comment on concerns that: (a) the proposed amendments to the Decree on Associations of 2009 could place further restrictions on the establishment and operation of associations, including by limiting the scope of their activities to specific fields not including human rights; (b) the decree on guidelines on international non-governmental organizations would require approval for their activities and compromise their independence from the government.

84. The amendment of the Decree No. 115 was undertaken through several reviewing and public consultation meetings which were attended by more than 300 participants from provinces, Vientiane Capital, ministries, government organizations, Lao National Chamber of Commerce and Industry, non-profit associations and foundations.

85. In the implementation of the registration process of associations under the Decree No. 115 on Associations, a number of challenges have faced. For the government this was a new task, particularly the relevant government officials had limited knowledge and experience, the coordination between the government organizations or the government and civil society organizations was still lacking. For the civil society organizations, some founders of associations did not understand well the provisions of the Decree 115, did not follow correctly the related guidelines. The above-mentioned issues were among the main causes of delay registration of the associations in the past.

86. The policy of the Lao government is to encourage and promote the activities of the civil society organizations within the bounds of the law in line with the purpose of each association.

87. In accordance with the Decree on Associations No. 238 People Democratic Association are considered as important actors which need good attention and support from the government. Creation of or joining an association or a foundation is a fundamental right of the Lao citizens which is stipulated in the Constitution, Article 44.

88. Up to present152 associations and 14 foundations has been approved and official registered Under amended Degree 238, the government of the Lao PDR does not restrict the right to establish and to join an association. The new degree aims to transfer the responsibilities, roles, rights and duties in approving the establishment of associations to the line ministries, and agencies which have fields of competence related to the activities of the proposed associations to share the responsibility in approving of association. According to Decree No. 013 INGOs and the Guiuelines No. 1064/MFA.IOD.3. all projects or activities of the international non-governmental organizations operating in the Lao PDR must get approval first, this is to ensure those activities are in line with the National Socio-Economic Development plan as well as the local cond.tions, meeting the actual needs of the local communities.

Participation in public affairs (arts. 25 and 26)

Paragraph 23: Please report on measures taken to: (a) encourage and promote political pluralism; (b) ensure free and genuine elections; (c) ensure that the right of citizens to stand for election is not made conditional on approval by the Lao People's Revolutionary Party or political affiliation with the party. Please also clarify whether all persons serving prison sentences have their right to vote and to be elected suspended.

89. The Lao PDR attaches importance to enhancing the people's democratic regime as well as to strengthening the rule of law. Therefore, the comments and questions that the Committee raised shall be clarified in accordance with the Constitution and Law of the Lao PDR.

90. The Constitution states about the political regime the Lao people have chosen in accordance with the aspirations and consensus of all people of the Lao PDR and the rights to self-determination. All powers belong to the people, by the people and for the interests of the multi-ethnic people. Article 3 stipulates that the rights of the multi-ethnic people to be the masters of the country are exercised and ensured through the functioning of the political system with the Lao People's Revolutionary Party as its leading nucleus.

91. Article 36 of the Constitution stipulates that Lao citizens aged 18 years and above have the right to vote and those aged 21 years and above have the right to stand as a candidate. Article 6 of the Law on Elections of the members of the National Assembly and the People's Provincial Assembly stipulates that Lao citizens without discrimination of gender, ethnic, economic status, social, belief, religion, origin; all have the right to vote and stand for elections.

92. The Elections of the National Assembly and the People's Provincial Assembly are based on the principles, regulations and measures and clearly defined criteria to ensure the full exercise of the democratic rights of the Lao citizens.

93. The Party and State organizations, Lao Front for National construction and Mass Organizations have the right to nominate a candidate from their respective organizations to stand for elections of the National Assembly and the People's Provincial Assembly. The National Election Committee has the duty to compile the list of candidates and consider the eligibility of the candidates according to the prescribed criteria under the law. The citizen wishes to apply for candidacy and has all the qualifications matching the criteria prescribed by the law, they can do so despite not being a member of the Lao People's revolutionary Party. There have been some members of the National Assembly who are not members of the Lao People's Revolutionary Party.

94. Article 36 of the Constitution and Article 7 of the law on Elections clearly stipulates that Lao citizens not eligible to vote or stand as a candidate are those with mental disorders

or prisoners sentenced by the court, those who had their right to vote or right to candidacy revoked.

Rights of minorities (art. 27)

Paragraph 24: Please respond to reports that land concessions to development projects and the construction of hydropower dams have resulted in forced relocation of a number of ethnic minority communities, in many cases without prior consultations and provision of adequate compensation - that impacted negatively on their livelihood and lifestyle. Please also report on measures taken to end the persecution of Hmong ethnic minority group and address the allegations of detention and enforced disappearance of Hmong men that surrendered to authorities since 2005, as well as the malnutrition and lack of access to healthcare for Hmong communities.

95. Recently, the Government of the Lao PDR has been focusing in implementing the national social-economic development plan in order to improve people's live conditions and eradicate poverty. In the same case the Government grants land concessions for development projects in pursuit of the development policy. Some of these development projects necessitate relocation of people from development areas.

96. The Government has implemented a clear policy to compensate and to assist people affected by development projects by enabling them to get benefits and improve their living conditions, in particular to provide access to electricity, safe drinking water, school and community health care services as well as creating stable employment for them.

97. The government implements the laws and regulations on compensation for the effected people, particularly the Decree on Compensation and People Relocation. Before the construction of major development projects, the project developers conduct assessment of the environmental and social impacts disseminate information on the project development, organize public consultations with the participation affected people, ethnic community.

98. Under the Decree the developers project must emphasize on improving the livelihood of the effected people, for instance providing 2 ha of production land per household, land of 800 square meters for housing and creating permanent occupation in order to have their income above the poverty line.

99. The Lao Government has consistently carried out policies that enhance the harmony, solidarity and equality among the ethnic groups, prohibiting all form of racial or ethnic discrimination and fine traditional culture. State implements all necessary measures to enhance and elevate the socio-economic conditions of all ethnic groups.

100. The allegation of persecution of Hmong ethnic group and their detention and enforced disappearance are groundless and is contrary to the policy of the Lao Government and to the reality in the Lao PDR. Regarding alleged the malnutrition and lack of access to healthcare for Hmong Communities; the Lao government has always attached importance to lifting living conditions of all ethnic groups including the Hmong ethnic group without any discrimination based on ethnicity.

Dissemination of information relating to the Covenant (art. 2)

Paragraph 25: Please indicate what measures have been taken to disseminate information on the Covenant, the initial report of the State party and its forthcoming examination by the Committee. Please provide detailed information on the involvement of representatives of ethnic and minority groups, civil society and non-governmental organizations in the preparation of the report.

101. The Lao Government has conducted dissemination of information as the reference in the information on question1. In preparation initial report participating approach has been undertaken involving representative of Government, ministry and other bodies of other

stakeholders including member of ethnic groups, civil society organizations. Altogether 5 consultations among government agencies and two consultations with the stakeholders were conducted before finalizing the initial report.

102. The initial report, the outcome of the forthcoming examination by the committee including observations and recommendations to be adopted the committee will be disseminated among difference target groups, including government officials, National Assembly, the judiciary, Civil Society and other attendance, and all people of all ethnic group.